

Exhibit C

STATE OF NEW MEXICO
COUNTY OF LOS ALAMOS
FIRST JUDICIAL DISTRICT

WILLIAM C. ENLOE,
Plaintiff,

vs.

No. D-132-CV-2015-00082

ATLANTIC SPECIALTY INSURANCE COMPANY
dba ONEBEACON INSURANCE COMPANY,
FEDERAL INSURANCE COMPANY,
TRINITY CAPITAL CORPORATION,
LOS ALAMOS NATIONAL BANK, N.A.,
ST. PAUL MERCURY INSURANCE COMPANY,
Defendants,

CONSOLIDATED WITH:

TRINITY CAPITAL CORPORATION,
LOS ALAMOS NATIONAL BANK, N.A.,
Plaintiffs,

vs.

No. D-132-CV-2015-00083

ATLANTIC SPECIALTY INSURANCE COMPANY,
FEDERAL INSURANCE COMPANY,
WILLIAM C. ENLOE, and JILL COOK,
Defendants,

CONSOLIDATED WITH:

MARK PIERCE,
Plaintiff,

vs.

No. D-101-CV-2015-02381

ATLANTIC SPECIALTY INSURANCE COMPANY,
TRINITY CAPITAL CORPORATION dba
LOS ALAMOS NATIONAL BANK, and
FEDERAL INSURANCE COMPANY,
Defendants.

ORDER FROM DECEMBER 6, 2017, MOTIONS HEARING

THESE MATTERS having come for hearing before the Court on December 6, 2017,
upon the following motions filed by Atlantic Specialty Insurance Company (ASIC) and other
parties, as follows:

- ASIC's Expedited Motion for Protective Order & Objections to Enloe's Notices of Deposition Duces Tecum & Subpoenas Duces Tecum to Sean Duffy & a 30(b)(6) Witness for Depositions Set for December, 2017 (filed 11/13/17) (Joinders in Motion by Cook and by Pierce, both filed 12/1/17);
- ASIC's Expedited Motion to Quash Notice of Deposition Duces Tecum & Subpoena Duces Tecum of Sean Duffy & for Protective Order for Duffy's Deposition Set For December 13, 2017 (filed 11/13/17) (Joinders in Motion by Cook and by Pierce, both filed 12/1/17);
- Enloe's Motion to Compel Discovery & for Sanctions Against ASIC (filed 10/11/17) (Joinders in Motion by Cook and by Pierce, filed 11/30/17 and 12/1/17, respectively);

and the Court being fully advised in the premises finds all motions are well-taken.

IT IS ORDERED AS FOLLOWS:

A. ASIC's Expedited Motion for Protective Order is:

1. Denied as to Category C in the deposition notices and subpoenas to Sean Duffy and the 30(b)(6) witness because employee-specific bonus and compensation information is discoverable under New Mexico law and given the bad faith claims at issue, and not privileged. Any such information produced by ASIC may be designated as subject to the Protective Order filed 3/30/16;
2. Granted as to the deposition of Sean Duffy in that good cause exists as of the date of this hearing to sequence discovery and delay Mr. Duffy's deposition, unless and until Plaintiffs depose other ASIC claims personnel and develop a factual foundation and predicate for deposing Mr. Duffy. After deposing other ASIC claims personnel scheduled for December 11-13, 2017, in Minnesota, the parties will meet and confer on the necessity of deposing Mr. Duffy. Plaintiffs will present their arguments as to why Mr. Duffy has knowledge and is a necessary witness. This ruling is based on ASIC's willingness and agreement to produce Mr. Duffy in New Mexico if the parties agree his deposition is necessary or if the

Court rules his deposition is warranted. The apex doctrine is not the law of New Mexico, but Rule 1-026 NMRA gives the Court authority to control the timing and sequence of discovery (12/6/17 Hr'g Tr. 63:3-9);

3. Moot as ASIC is not disputing the deposition of the 30(b)(6) witness (12/6/17 Hr'g Tr. 11:4-10, 11:23-25, 12:7-9);

B. ASIC's Expedited Motion to Quash is:

1. Denied as to Category C in the deposition notice and subpoena to Sean Duffy, as stated above;
2. Granted as to the deposition of Sean Duffy, as stated above;
3. Moot as to the deposition of the 30(b)(6) witness, as stated above.

C. Enloe's Motion to Compel Discovery and for Sanctions is:

1. Granted in that ASIC will produce Craig Collins for a continuation of his deposition either in New Mexico, or, in Minnesota in conjunction with other depositions there;
2. Denied as to the deposition of Sean Duffy, as stated above;
3. Denied as to any other sanctions besides requiring ASIC to produce Mr. Collins for a continuation of his deposition in New Mexico, if not in Minnesota during the week of December 11, 2017;
4. Moot as to the deposition of the 30(b)(6) witness, as stated above.


GREGORY S. SHAFFER
First Judicial District Court Judge, Div. II

Submitted by:

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Objects to A(2)(last sentence), A(3), B(3), and C(4)

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Per email on 12/22/17, takes no position

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